



INDIANA DEPARTMENT OF TRANSPORTATION

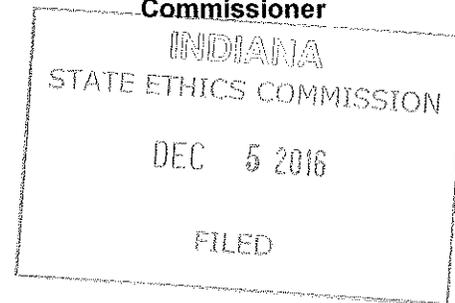
100 North Senate Avenue
Room N730
Indianapolis, Indiana 46204

PHONE: (317) 232-5411
EMAIL: mtidd1@indot.in.gov

Michael R. Pence, Governor
Brandye Hendrickson,
Commissioner

December 5, 2016

Mr. James Clevenger, Chair
Indiana State Ethics Commission
315 West Ohio Street, Room 104
Indianapolis, Indiana 46202



RE: Waiver of Application of 42 IAC 1-5-1 (the "Gift Rule") for Certain Items of Value That Will Be Received by INDOT Employee Attending the APAI Annual Winter Conference and Trade Show on December 15-16, 2016

Dear Mr. Clevenger:

Brandye L. Hendrickson, the appointing authority of the Indiana State Department of Transportation ("INDOT"), has designated authority to me as the agency's ethics officer to waive application of the Gift Rule in individual cases when consistent with the public interest. I am hereby waiving application of 42 IAC 1-5-1(a) for the INDOT employees on the list that is attached to this letter and marked as Exhibit A so that they may attend the Asphalt Pavement Association of Indiana, Inc. ("APAI") Annual Winter Conference and Trade Show on December 15-16, 2016.

The Annual Winter Conference and Trade Show will be held at the Indianapolis Marriott East Hotel, 7202 East 21st Street, Indianapolis, Indiana 46219. The item of value that will be received by INDOT employees attending the APAI Winter Conference include (1) registration fees, (2) food (lunch on December 15), (3) drink (refreshments), and (4) services (general sessions and breakout sessions resulting in continuing education credits, previously known as Professional Development hours).

The \$175-\$280 in registration fees and the cost for continuing education credits for INDOT personnel attending the APAI Annual Winter Conference and Trade Show will be paid for by APAI, which will use registration fees of its member companies as the source of payment. Some APAI member companies may have a business relationship with INDOT or may seek to influence an action by one or more INDOT personnel in his or her official capacity. The registration fees paid by any attendee include the luncheon and refreshments provided on December 15.

INDOT personnel covered by this waiver will not attend the evening President's Gala Reception or the evening Hall of Fame Induction ceremony and Scholarship Banquet meal on December 15, or any of the events or activities on December 14, unless they attended such events or activities at their own time and expense.

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INDOT personnel covered by this waiver will be instructed to not accept any other item of value from APAI or any other person, if that person may have a business relationship with INDOT or may seek to influence an action by one or more INDOT personnel in his or her official capacity. INDOT personnel also will be informed that the safest course of action is to assume that anyone in the private sector attending the APAI Annual Winter Conference and Trade Show might have a business relationship with INDOT.

All INDOT personnel may attend the educational sessions on December 15 and December 16 that are attached to this letter and marked as Exhibit B. Indiana Code 8-23-2-4.1(4)(A) provides that INDOT is responsible for the “construction, reconstruction, improvement, maintenance, and repair of (state) highways” and Indiana Code 8-23-2-5(a)(4) imposes upon INDOT the statutory duty in to “evaluate and utilize whenever possible improved transportation facility maintenance and construction techniques.”

Therefore, it is my opinion that it is consistent with the public interest for these INDOT personnel to attend the APAI Annual Winter Conference and Trade Show on December 15-16, 2016, and to receive the item of value specified above, even though payment for these items is being made by entities that may have a business relationship with INDOT. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1(a) to the extent previously set forth in this letter.

If you need additional information or have any questions about this letter, please feel free to contact me at 317/232-5411 or at mtidd1@indot.in.gov.

Sincerely,



Mark J. Tidd
Prequalification & Permits Director and Ethics Officer

cc: Jennifer Cooper, Indiana State Ethics Commission Director
Lori A. Torres, INDOT Deputy Commissioner/Chief Legal Officer

Attachments – Exhibit A (List of INDOT Attendees)
Exhibit B (Topics for Course)

ATTENDEES FOR 12/15-16/2016 APAI WINTER CONFERENCE

EXHIBIT A

Last	First	INDOT Location	14-Dec	15-Dec	16-Dec	PDH	Food Restrictions	Email Address
Anuka	Rowland	Greenfield		X		Y	N	ranuka@indot.in.gov
Avery	Matt	Crawfordsville		X		Y	N	mavery@indot.in.gov
Awwad	Nathan	Materials & Test		X		Y	N	nawwad@indot.in.gov
Balaba	Paul	Crawfordsville		X		Y	N	pbalaba@indot.in.gov
Bales	Donald	Fort Wayne		X		Y	N	dbales@indot.in.gov
Beeson	Matthew	Materials & Test		X		Y	N	mbeeson@indot.in.gov
Buening	Michael	Central Office		X		Y	N	mbuening@indot.in.gov
Bunselmeier	Jason	Seymour		X		Y	N	jbunselmeier@indot.in.gov
Cox	Ryan	Seymour		X		Y	N	rycox@indot.in.gov
Dahman	Robert	Fort Wayne	X	X	X	Y	N	rdahman@indot.in.gov
Dallas	David	Vincennes		X		Y	N	ddallas@indot.in.gov
Dave	Kumar	Central Office		X		Y	N	kdave@indot.in.gov
Deburger	Isaac	Seymour		X		Y	N	ideburger@indot.in.gov
Fegan	Roland	Greenfield		X		Y	N	d30fegan@indot.in.gov
Felix	Eric	Crawfordsville		X		Y	N	efelix@indot.in.gov
Frederick	Kirk	Crawfordsville		X		Y	N	jfrederick@indot.in.gov
Harris	Dwayne	Research & Dev		X		Y	N	dwharris@indot.in.gov
Harris	Jay	Crawfordsville		X		Y	N	jayharris23@indot.in.gov
Hauser	Derrick	Central Office		X		Y	N	dhauser@indot.in.gov
Hole	Greg	Crawfordsville		X		Y	N	ghole@indot.in.gov
Holtz	David	Central Office	X	X	X	Y	N	dholtz@indot.in.gov
Jacobs	David	Fort Wayne		X		Y	N	dajacobs@indot.in.gov
Jones	Joseph	Seymour		X		Y	N	jjones@indot.in.gov
Keefer	Thomas	Fort Wayne		X		Y	N	tkeefers@indot.in.gov
Kreutzjans	Gary	Seymour		X		Y	N	gkreutzjans@indot.in.gov

Laing	Anthony	Crawfordsville		X		Y	N	alaing@indot.in.gov
Leckie	John	Materials & Test		X		Y	N	jleckie@indot.in.gov
Lowther	Jason	Seymour		X		Y	N	jlowther@indot.in.gov
Martin	Cartia	Materials & Test		X		Y	N	cartiamartin@indot.in.gov
Middeler	Joseph	Seymour		X		Y	N	jmiddeler@indot.in.gov
Myers	Keith	Greenfield		X		Y	N	kwmyers@indot.in.gov
Naderi	Al	Crawfordsville		X		Y	N	anaderi@indot.in.gov
Neilson	Brian	Greenfield		X	X	Y	N	bneilson@indot.in.gov
Nierman	Chad	Greenfield		X		Y	N	d30nier@indot.in.gov
Novak	Joseph	Crawfordsville		X		Y	N	jnovak@indot.in.gov
Pangallo	Andrew	Central Office		X		Y	N	apangallo@indot.in.gov
Phillips	Harley	Materials & Test		X		Y	N	hphillips@indot.in.gov
Prather	Michael	Materials & Test		X		Y	N	mprather@indot.in.gov
Ritter	Jay	Crawfordsville		X		Y	N	jritter@indot.in.gov
Roberts	Kevin	Greenfield		X		Y	N	kroberts@indot.in.gov
Scamihorn	Benjamin	Crawfordsville		X		Y	N	bscamihorn@indot.in.gov
Schueler	Charles	Fort Wayne		X		Y	N	cschueler@indot.in.gov
Seef	Erik	Crawfordsville		X		Y	N	eseef@indot.in.gov
Somerlott	David	Fort Wayne		X		Y	N	dsomerlott@indot.in.gov
Sommer	Kurt	Crawfordsville		X		Y	N	ksommer@indot.in.gov
Sons	Rodney	Crawfordsville		X		Y	N	rsons@indot.in.gov
Spreen	Jason	Fort Wayne		X		Y	N	jspreen@indot.in.gov
Tally	Bob	Central Office		X		Y	N	rtally@indot.in.gov
Teme	Soere	Crawfordsville		X		Y	N	steme@indot.in.gov
Thompson	Brad	Crawfordsville		X		Y	N	bthompson@indot.in.gov
Tompkins	William	Seymour		X		Y	N	btompkins@indot.in.gov

EXHIBIT A (CONT.)

Wathen	Brian	Seymour		X		Y	N	bwathen@indot.in.gov
Whitacre	Nathaniel	Fort Wayne		X		Y	N	nwhitacre@indot.in.gov
Wren	Rachel	Seymour		X		Y	N	rwren@indot.in.gov

EXHIBIT B

WEDNESDAY, DECEMBER 14, 2016

2:00 pm – 10:00 pm
Exhibit Hall Set Up for Vendors
 2:00 pm – 3:30 pm
APAI Board of Directors Meeting
 3:30 pm – 5:00 pm
Committee Meetings
 Full Technical Committee Meeting
 Environmental Affairs Committee Meeting
 Safety Committee
 5:00 pm – 6:15 pm
Joint Cocktail Reception for Past Presidents, Board and Committee Members
 6:15 pm – 7:45 pm
APAI Past Presidents, Board of Directors, and Young Leaders Dinner

THURSDAY, DECEMBER 15, 2016

7:00 am – 8:45 am
Attendee Registration/Continental Breakfast in the Exhibit Hall

8:45 am – 9:15 am
Welcome & Opening Remarks – CJ Potts, APAI President, Dr. John Haddock, Indiana LTAP, and Brandye Hendrickson, INDOT Commissioner

9:20 – 10:10 am

Breakout Sessions 1 (Choose one)

- Asphalt Paving & Laydown Track: *Nighttime Paving (Part 1)*, John Ball (Top Quality Paving)
- Production & Quality Control Track: *Quality Through Consistency*, Jarrett Welch (Quality Paving Consultants)
- Business Track: *Hard Hat Productivity*, Norb Slowikowski (Slowikowski & Associates)
- Agency Track: *Pavement Distress Identification & Troubleshooting*, Mike Huner (Huner Consulting)

10:10 am – 11:10 pm

Refreshment and Networking Break in Exhibit Hall

11:10 - 12:00 pm

Breakout Sessions 2 (Choose one)

- Asphalt Paving & Laydown Track: *Nighttime Paving (Part 2)*, John Ball (Top Quality Paving)
- Production & Quality Control Track: *Materials Mixture & Troubleshooting*, Mike Huner (Huner Consulting)
- Business Track: *Positioning Asphalt for the Win*, Amy Miller & Ester Magorka (APA/NAPA)
- Agency Track: *How LPAs Can Insure Quality Products*, Brian Crume (E&B Paving) & Lynn Shireman (Milestone)

12:00 pm – 1:30 pm

APAI Awards Luncheon

Master of Ceremonies: Howard Kellman, Indiana Sports Museum Hall of Fame Broadcaster

1:45 pm – 2:35 pm

Breakout Sessions 3 (Choose one)

- Asphalt Paving & Laydown Track: *Best Practices in HMA Construction*, Mike Huner (Huner Consulting)
- Production & Quality Control Track: *Performance Testing Overview*, Dave Newcomb (TTI)
- Business Track: *Workzone Safety*, Neal Carboneau (Transportation Training Institute)
- Agency Track: *Thinlays: What, When, and Why (Test Track Research)*, Buzz Powell (NCAT)

2:35 pm – 3:30 pm

Refreshment and Networking Break in Exhibit Hall

3:30 pm – 4:20 pm

Breakout Sessions 4

- Asphalt Paving & Laydown Track: *Best Practices for Tack Coats*, Buzz Powell (NCAT)
- Production & Quality Control Track: *Factors Affecting Mixture Aging During Production*, Dave Newcomb (TTI)
- Business Track: *The State of Cyber Security in 2017*, Kevin Sneed (US Pro Insurance)
- Agency Track: *Recycled HMA: What's Going On In There?*, Gerry Huber (Heritage Research Group)

4:30 pm – 5:20 pm

Closing General Session

Performance Related Specifications: What's Coming Nationally in HMA Specs

Bill Vavrik (Applied Research Associates)

EXHIBIT B (CONT.)

5:25 pm
Prize Drawings
Shotgun Raffle (all proceeds benefit the APAI Scholarship Fund)
5:15 pm – 7:00 pm
President's Gala Reception in the Exhibit Hall
APAI member companies & participating exhibit hall vendors

7:00 pm – 9:00 pm
Annual APAI Hall of Fame Induction Ceremony and Scholarship Banquet
Ticketed event

FRIDAY, DECEMBER 16, 2016

7:30 am – 8:30 am
Contractors' Networking Breakfast & APAI Annual Business Meeting
8:30 am – 9:30 am
General Session
Hot Mix Hot Buttons
Expert panel moderated by Tom Partipilo
9:30 am – 10:15 am
Closing General Session
Doing Business with INDOT: An Interactive Q&A with the Decision Makers
INDOT Panel moderated by Deputy Commissioner Bob Tally, featuring Dave Holtz, Matt Beeson, Mark Miller, John Leckie
10:15 am
Conference Ends